

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HERITAGE REALTY MANAGEMENT,  
INC.,

Plaintiff

vs.

JOHN ALLIN d/b/a ALLIN COMPANIES  
and SNOW MANAGEMENT GROUP,

Defendant

) Docket No. 04-333E  
) (Judge McLaughlin)  
)  
) ELECTRONICALLY FILED PLEADING  
)  
) JURY TRIAL DEMANDED  
)  
) MOTION FOR LEAVE TO AMEND  
) COMPLAINT  
)  
) Filed on behalf of: Heritage Realty  
) Management, Inc.  
)  
) Counsel of record for this party:  
) Richard A. Lanzillo, Esq.  
) Knox McLaughlin Gornall  
) & Sennett, P.C.  
) 120 West 10<sup>th</sup> Street  
) Erie, PA 16501  
) Telephone (814) 459-2800  
) Facsimile (814) 453-4530  
) Email rlanzillo@kmgslaw.com  
) PA53811  
)

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HERITAGE REALTY MANAGEMENT,	)	
INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	CASE NO. CA 04-333 ERIE
JOHN ALLIN d/b/a ALLIN	)	
COMPANIES,	)	JUDGE SEAN MCCLAUGHLIN
	)	
Defendant	)	

**MOTION FOR LEAVE TO AMEND COMPLAINT**

AND NOW, comes the plaintiff, Heritage Realty Management, Inc., by and through its counsel, Knox McLaughlin Gornall & Sennett, P.C., and files the following Motion for Leave to Amend Complaint:

1. On November 15, 2004, Heritage Realty Management, Inc. ("Heritage") filed its original complaint against the above captioned defendants.
2. The parties have exchanged initial disclosures and initial discovery requests.
3. Further, defendants have responded to Heritage's first set of Interrogatories and Request for Production of Documents.
4. Heritage now seeks to amend its original Complaint. A copy of its proposed Amended Complaint is attached hereto as Exhibit "A".
5. In substance, Heritage's Amended Complaint is eliminating its original fraud count and the Amended Complaint consists of a single count sounding in breach of contract.

6. Defendants, through their counsel, have consented to amend Heritage's Complaint.

WHEREFORE, Heritage Realty Management, Inc., respectfully requests that this Honorable Court enter an order granting it leave to file the attached Amended Complaint.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &  
SENNETT, P.C.

BY: /s/ Richard A. Lanzillo, Esq.

Richard A. Lanzillo, Esquire  
Neal R. Devlin, Esquire  
120 West Tenth Street  
Erie, PA 16501  
Telephone (814) 459-2800  
Facsimile (814) 453-4530  
Email rlanzillo@kmgslaw.com  
PA53811

Attorneys for plaintiff,  
Heritage Realty Management, Inc.

# 62967